

STATE OF MISSOURI)
) ss
COUNTY OF RIPLEY)

IN THE CIRCUIT COURT OF RIPLEY COUNTY, MISSOURI

IN RE: THE MARRIAGE OF)	
Charles Haynes and)	
Cynthia Haynes,)	
)	
CHARLES HAYNES,)	
SSN: XXX-XX-)	
)	
Petitioner,)	
)	
vs.)	Case No. 13RI-CV00554
)	
CYNTHIA HAYNES,)	CIVIL DIVISION
SSN: XXX-XX-1203)	
)	
Respondent.)	

RESPONDENT'S AFFIDAVIT AND EMERGENCY
MOTION FOR CHILD CUSTODY PENDENTE LITE

COMES NOW, Petitioner and in his Motion Pendente Lite states as follows:

1. Presently, a Petition for Dissolution of Marriage has been filed in the present case. Presently, Petitioner is allowed a total of two supervised visits per month every other Sunday from the hours of 1 P.M. to 6 P.M.
2. On Sunday, November 6, 2016, Counsel was notified by Petitioner that the younger minor child, Sara Haynes had a bruise on her arm and that the bruise came from Respondent punching her in the arm. At hearing, Counsel will provide an image to the Court for review and as soon as Counsel has a printed color photo that can be scanned, Counsel will forward it to the GAL as well as Respondent's Counsel.
3. Since the time the judgment regarding visitation has been commenced, Respondent has allowed Petitioner to see the children routinely despite previous claims of fear or safety regarding Petitioner's pending criminal charges. Respondent has continued to have contact with Petitioner and the two have vacationed together in Branson, MO and traveled to other locations.

4. Respondent, who is currently responsible for providing for the custody and care of the minor children and complying with Court orders has still failed to produce the minor children for a meeting with the GAL, Jennifer Williams, despite requests to do so. To date, the only reason that the minor children have met with their attorney is because Petitioner brought the minor children to her office on Sunday, October 9, 2016, during one of his scheduled periods of visitation.
5. It is Counsel's belief that the GAL is going to recommend the minor child be removed from the home of Petitioner based on her conversations with the minor children.
6. The children have snuck out on multiple occasions to visit Petitioner and have expressed a desire to not be in the custody and care of Respondent.
7. While Counsel fully expects Respondent to claim that she fears for the health and safety of the minor children as a basis for not removing them from the home because of a pending criminal charge involving Melissa Hogg, Respondent has also indicated to Petitioner on at least one occasion that if he were to give some parcels of real property to Respondent, she would ensure her daughter Melissa Hogg does not testify in the pending criminal trial scheduled for March 2017 in the Circuit Court of Ripley County.
8. Petitioner has copied the recording in which the conversation occurred and will have provided a copy to the GAL and Respondent's Counsel on Wednesday, November 9, 2016.
9. Based on the extraordinary circumstances in this case, Petitioner's mother, Bernice Haynes is going to be intervening as a party in this case. Counsel reasonably believes the GAL may recommend the children be placed with Bernice Haynes pending a disposition in this case. She has passed all background testing to become a foster parent in Missouri.
10. It would be in the best interests of the minor child that the minor children be removed from the home immediately for their health, safety, and welfare.

Wherefore, Petitioner prays for an Order of this Court placing the minor child in the sole legal and physical custody of Petitioner or his mother as an intervening party pending the entry of a final order in this matter, and for such other and further orders as the Court deems proper and just in the premises.

Respectfully submitted,

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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2016, the foregoing was filed with the clerk of the Mississippi County Court via the Missouri efilings system and served upon all parties in this matter.

/s/ Theodore E. Liszewski
THEODORE LISZEWSKI
Attorney for Petitioner